UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,086	10/05/2001	John Robinson	06975-153001	2103

26171   7590   07/13/2005

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EXAMINER
KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 May 2005_.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-36_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This Office Action is in response to the amendment filed 05/09/2005.

Claims 13 and 31 were amended. Claims 1-36 are pending in this Office Action.

2.   **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 - 4, 10, 12, 28 and 30 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent 6,374,402 by Schmeidler et al. (Schmeidler).

With respect to claim 1, Schmeidler teaches a method of processing a data

stream with a computer system, the method comprising: receiving the data stream using

a browser application (Fig 4A, step 402); detecting a content type of data in the data

stream (Col. 10, lines 47 – 51 – content type specified in the MIME header); temporarily

overriding a default rendering process otherwise associated with the content type

detected for the data in the data stream by associating a particular rendering process

with the data stream based on the type of data in the data stream (Col. 16, lines 13 – 17

and lines 57 - 59); and routing the data stream to the particular rendering process (Fig.

6, decisional block 606 and step 608).

With respect to claim 2, Schmeidler teaches the method of claim 1 wherein the

content type of data is a Multipurpose Internet Mail Extension (MIME) type (Col. 9, lines

36 – 41).

With respect to claim 3, Schmeidler teaches the method of claim 1 wherein the

default rendering process is identified in a registry of the computer system (Col. 9, lines

37 – 39).

With respect to claim 4, Schmeidler teaches the method of claim 1 wherein the

data stream is received in response to a request from the browser application (Fig. 2B,

item 224).

With respect to claim 10, Schmeidler teaches a method of processing a data

stream with a computer system, comprising: receiving a data stream using a browser

application (Fig 4A, step 402); identifying a stream type for the data stream (Col. 10,

lines 47 – 51); and directing the data stream away from a data process designated as a

default by the computer system based on the data type identified for the data stream

(Fig. 6, decisional block 606 and step 608).

With respect to claim 12, Schmeidler teaches the method of claim 10 wherein the

data type is a Multipurpose Internet Mail Extensions (MIME) type (Col. 9, lines 36 – 41).

Claims 19 - 22 are rejected in view of the above rejection of claims 1 – 4,

respectively, as differing from said claims only in statutory category. Claims 19 - 22 are

essentially the same as claims 1 - 4, except that claims 19 - 22 set forth the invention as

a program rather than a method, as do claims 1 - 4.

Claims 28 and 30 are rejected in view of the above rejection of claims 10 and 12,

respectively, as differing from said claims only in statutory category. Claims 28 and 30

are essentially the same as claims 10 and 12, except that claims 28 and 30 set forth the

invention as a program rather than a method, as do claims 10 and 12.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 13 - 18 and claims 31 - 36 are rejected under 35 U.S.C. 102(b) as

being anticipated by U.S. Patent 6,009,462 by Birrell et al. (Birrell).

With respect to claim 13 Birrell teaches a method comprising: calling a data

stream using a browser running on a computer system (Fig. 1, Web browser 115. See

also col. 2, lines 66 - 67 and col. 3, lines 1 – 3); detecting a first type of data associated

with the data stream called by the browser (Col. 12, lines 64 – 67); redefining the first

type of data as a second type of data (Col. 13, lines 3 – 5); and automatically rendering

the data stream with a second rendering process based on the second type of data,

wherein the second rendering process is different than a first rendering process that

would be used to automatically render the data stream based on the first data type.

With respect to claim 14 Birrell teaches the method of claim 13 wherein the first

type of data and the second type of data are Multipurpose Internet Mail Extensions

(MIME) standard types (Col. 12, lines 64 – 67. See also Fig. 10, items 1031 – "hot -

link").

W ith respect to claim 15 Birrell teaches the method of claim 14 further comprising

loading a MIME filter into an operating system of the computer. (Fig. 10, MIME filter

1001. See also col. 13, lines 1 - 3).

With respect to claim 16 Birrell teaches the method of claim 15 further comprising

receiving notification in the browser that a data stream is available for filtering by the

MIME filter. (Col. 12, lines 4 – 11. This limitation is also inherently present in any usable

e-mail application).

With respect to claim 17 Birrell teaches the method of claim 15 further comprising

activating multimedia subsystem player running on the computer system to render the

data stream. (Col. 12, lines 28 - 34).

With respect to claim 18 Birrell teaches the method of claim 17 further comprising

passing the data stream to the player (Col. 12, lines 24 - 27).

Claims 31 - 36 are rejected in view of the above rejection of claims 13 - 18,

respectively, as differing from said claims only in statutory category. Claims 31 - 36 are

essentially the same as claims 13 - 18, except that claims 31 - 36 set forth the invention

as a program rather than a method, as do claims 13 - 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 5 - 8, 11, 23 - 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmeidler in view of U.S. Patent 6,564,255 B1 by Mobini et al. (Mobini).

With respect to claim 5, Schmeidler teaches the method of claim 1. Schmeidler fails to explicitly teach additional limitation of claim 5 wherein temporarily overriding the default rendering process includes: discriminating among internal and external instances of the browser application used to receive the data stream; and temporarily overriding the default rendering process if the browser application is an internal instance. Mobini teaches a method of processing a data stream with a computer system wherein temporarily overriding the default rendering process includes: discriminating among internal and external instances of the browser application used to receive the data stream (Fig. 6. Internal and external browsers, interpreted broadly, are two types of browsers. Mobini teaches discrimination between two types of browsers for handling data content depending on the type of said content, DVD vs. HTML); and temporarily overriding the default rendering process if the browser application is an internal instance (Fig. 4. Routing of data to DVD presentation engine or to HTML presentation engine in effect constitutes a process of overriding of the default rendering process).

With respect to claim 6, the combined references of Schmeidler and Mobini teach the method of claim 5 further comprising routing the data stream to the default

rendering process if the browser application is an external instance (Col. 7, lines 24 –

30, data routing between two types of presentation engines).

With respect to claim 7, the combined references of Schmeidler and Mobini teach

the method of claim 5 wherein the default rendering process is identified in a registry

of the computer, and wherein temporarily overriding the default rendering process

includes supplementing the registry of the computer with the particular rendering

process if the browser application is an internal instance (See Schmeidler, Fig. 6, step

602, storing network file system registry entries locally. Also see Schmeidler col. 16,

lines 13 – 17).

With respect to claim 8, the combined references of Schmeidler and Mobini teach

the method of claim 7 further comprising: processing the data stream with the temporary

rendering process (See Schmeidler, Fig. 6, step 604); and upon completing of the

processing, disassociating the temporary rendering process with the type of data in the

data stream (See Schmeidler, Fig. 6, step 612).

With respect to claim 11, Schmeidler teaches the method of claim 10. Schmeidler

fails to explicitly teach additional limitation of claim 11 further comprising determining

whether a browser is embedded as an internal instance of a software application, such

that the data stream is directed to a data process other than the default when the

browser is determined to be an internal instance. Mobini teaches additional limitation of

claim 11 further comprising determining whether a browser is embedded as an internal

instance of a software application, such that the data stream is directed to a data

process other than the default when the browser is determined to be an internal

instance (See Fig. 4, where DVD browser 402 is part of the Interactive DVD application

and HTML browser 408 is a conventional HTML browser. See also col. seven, lines 24
– 30).

Schneider and Mobini are analogous art because they are both related to
selecting a rendering process based on a type of content being processed. Therefore, it
would have been obvious to one having ordinary skills in the art at the time the invention
was made to combine the video content rendering techniques taught by Schneider with
the video rendering techniques taught by Mobini in order to enable DVD, CD and other
media players to access presentation data, software updates and other information over
computer networks, such as the Internet, while still complying with the specifications to
which they were designed, and to broaden the scope of content that can be received
and rendered locally (See also Mobini, col. 2, line 35 – 41).

Claims 23 - 26 are rejected in view of the above rejection of claims 5 – 8,
respectively, as differing from said claims only in statutory category. Claims 23 - 26 are
essentially the same as claims 5 - 8, except that claims 23 - 26 set forth the invention as
a program rather than a method, as do claims 5 - 8.

Claim 29 is rejected in view of the above rejection of claims 11, as differing from
said claim only in statutory category. Claim 29 is essentially the same as claim 11,
except that claims 29 sets forth the invention as a program rather than a method, as
does claim 11.

6.   Claim 9 and 27 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Schmeidler in view of U.S. Patent 6,009,462 A Birrell et al. (Birrell).

With respect to claim 9, Schmeidler teaches the method of claim 1. Schmeidler
fails to explicitly teach additional limitation of claim 9 further comprising redefining the

content type after routing the data stream to prevent subsequent processing of the data stream by the default rendering. Birrell teaches additional limitation of claim 9 further comprising redefining the content type after routing the data stream to prevent subsequent processing of the data stream by the default rendering. (See Fig. 10 and col. 13, lines 3 - 5).

Schmeidler and Birrell are analogous art because they are both related to demand based content delivery and selecting a rendering process based on a type of content being received. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the video content rendering techniques taught by Schmeidler with the rendering techniques for file attachments taught by Birrell in order to provide users with the ability to receive video content via e-mail. (See also Birrell, col. 4, lines 43 – 50).

Claim 27 is rejected in view of the above rejection of claims 9, as differing from said claim only in statutory category. Claim 27 is essentially the same as claim 9, except that claims 27 sets forth the invention as a program rather than a method, as does claim 9.

Response to Arguments

7.   Applicant's arguments filed on 04/11/2005 have been fully considered but they are not persuasive.

With respect to claims 1 and 19, the Applicant argues – *"Although, Schmeidler discloses overwriting locally-stored registry entries after the content has been executed, Schmeidler does not disclose or suggest " temporarily overriding a default rendering*

process otherwise associated with the content type detected for the data in the data

stream by associating a particular rendering process with the data stream based on the

type of data in the data stream," as recited in claim 1."

The Examiner respectfully disagree and refers the Applicant to Col. 16, lines 13 –

17 that state that the registry entries associated with the data stream are stored on the

local drive. Further, as stated in Col. 16, lines 50-55, "Interception of operating system

calls, and satisfaction of these requests using the locally stored registry entries,

continues until termination of application execution, as indicated by decisional step

610." Therefore, Schmeidler overrides the registry entries **before,** not **after** the content

is executed and that this action is temporary.

In the last paragraph of page 1 of the "Remarks" the Applicant admits that *"A*

Window.RTM. registry maintains a mapping between content types and the default

media player used to render the data of that content type." This means that once

Schmeidler overrides the registry entries, the default rendering processes associated

with the content types will be temporarily overridden as well. Therefore, the Examiner

respectfully submits that Schmeidel does disclose temporarily overriding a default

rendering process otherwise associated with the content type detected for the data in

the data stream by associating a particular rendering process with the data stream

based on the type of data in the data stream," as recited in claim 1.

The Applicant argues - *"Indeed, Schmeidler makes no mention of rendering the*

content with a different rendering process than a default process or of temporarily

overriding a default rendering process. The Examiner apparently equates overwriting

locally-stored registry entries with "temporarily overriding a default rendering process . .

.," but Schmeidler provides no link between the rendering process used to render the purchased content and the registry entries, and Schmeidler does not suggest using a rendering process other than a default process for the content. Thus, Schmeidler does not disclose or suggest the subject matter of claim 1 or 19."

The Examiner respectfully disagrees and refers the Applicant to Col. 14, line 23, which discloses that the launch string of Schmeidler is wrapped with a MIME header. On page 6 of the Specifications the Applicant admits that *"The MIME type associated with a data stream may be used to determine whether the media stream should be reproduced and displayed by the browser or whether the media stream should instead be exported by the browser for reproduction and display by an alternate player."* This MIME header wrapped around a launch string of Schmeidler, and not the local file association table, is a determining factor in which process – default or alternative – is used to render the data stream. Therefore, the Examiner respectfully submits that Schmeidler discloses the subject matter of claim 1 and 19.

With respect to claims 10 and 28, the Applicant argues – *"Similarly, Schmeidler also does not disclose or suggest directing a data stream away from a data process designated as a default by the computer system based on the data type identified for the data stream as recited in independent claims 10 and 28."* The Applicant further argues – *"As explained above, Schmeidler fails to disclose or suggest directing a data stream away from a data process designated as a default by the computer system based on the data type identified for the data stream."*

The Examiner respectfully disagrees. The limitations of claims 10 and 28 are met by the MIME wrapper of the launch string of Schmeidler and the functionality of ARFSD

VxD module, disclosed in paragraph "Running A Title" (See Col. 13-15). The described

by Schmeidler process redirects the rendering of a data stream away from the usual

default rendering by the browser through, for example, the browser plug-ins, in case of

a widely used Netscape.RTM., to the Virtual Device Driver – VxD of ARFSD VxD

module of Schmeidler.

With respect to claims 13-18 and 31-36 the Applicant argues – *"Birrell does not*

disclose or suggest redefining a first type of data as a second type of data and then

automatically rendering the data with a rending process. Rather, "[o]nly when the user

clicks one of the hot-links 1031 is the components [sic] sent to the requesting client

computer." Col. 13:5-7. Thus, Birrell does not disclose or suggest the subject matter of

claim 13 or 31."

The Examiner respectfully disagrees and refers the Applicant to Col. 12, lines 32-

44, which discloses, in part, that "The specific display actions used will depend on how

the browser is configured to respond to different component file formats. For some file

formats, for example Graphics Interface Format (GIF) and Joint Photographic Experts

Group (JPEG), the component can directly be displayed." Accordingly, the user needs

to click on the hot-link only when "the system 200 is configured to "hold-back" (See

Col.12, line 1 of Birrell).

With respect to claims 5-8, 11, 23-26, and 29 the Applicant argues – *"Mobini*

does not disclose or suggest temporarily overriding a default rendering process or

directing a data stream away form a data process designated as a default."

The Examiner respectfully points out that the teachings of Mobini were not used

to reject the limitations claiming temporarily overriding a default rendering process or

directing a data stream away form a data process designated as a default. The

Applicant is referred to the mapping of specific limitations to the teachings of Mobini in

the rejection of claims 5-8, 11, 23-26, and 29 above.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vitali Korobov whose telephone number is 571-272-

7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..
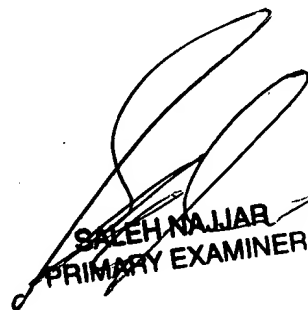
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
07/10/2005

SALEH NAJJAR
PRIMARY EXAMINER